

LYONS & FLOOD, LLP  
65 W. 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10018  
(212) 594-2400

Attorneys for Plaintiff  
HORNBECK OFFSHORE TRANSPORTATION, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HORNBECK OFFSHORE TRANSPORTATION  
LLC,

Plaintiff,

- against -

The Tug MARY E. HANNAH, her tackle, engines,  
boilers, etc., *in rem*; and HANNAH MARINE  
CORPORATION, *in personam*,

Defendant.  
-----X

**ECF CASE**

08 Civ. 594 (NRB)

**VERIFIED  
ANSWER TO  
COUNTERCLAIM**

Plaintiff, HORNBECK OFFSHORE TRANSPORTATION, LLC  
("HORNBECK" or "PLAINTIFF"), by and through its attorneys, Lyons & Flood, LLP,  
as and for its Verified Answer to the Counterclaim of Defendant HANNAH MARINE  
CORPORATION ("HANNAH"), states as follows:

1. Admits the allegations contained in paragraph 50 of the Verified Counterclaim.
2. Admits the allegations contained in paragraph 51 of the Verified Counterclaim.
3. Admits the allegations contained in paragraph 52 of the Verified Counterclaim.
4. Admits the allegations contained in paragraph 53 of the Verified

Counterclaim.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the Verified Counterclaim.

6. Admits the allegations contained in paragraph 55 of the Verified Counterclaim.

7. Admits that the HORNBECK and HANNAH entered into a contract of towage and that the documents attached at Group Exhibit A to the Verified Answer are true and accurate copies of the contracts between the parties, but except as so specifically admitted herein, denies the remaining allegations of paragraph 56 of the Verified Counterclaim.

8. Denies, as worded, the allegations contained in paragraph 57 of the Verified Counterclaim.

9. Denies, as worded, the allegations contained in paragraph 58 of the Verified Counterclaim.

10. Denies the allegations contained in paragraph 59 of the Verified Counterclaim.

11. Admits the allegations contained in paragraph 60 of the Verified Counterclaim.

12. Denies the allegations contained in paragraph 61 of the Verified Counterclaim.

13. Denies the allegations contained in paragraph 62 of the Verified Counterclaim.

14. Denies the allegations contained in paragraph 63 of the Verified

Counterclaim.

15. Denies the allegations contained in paragraph 64 of the Verified Counterclaim.

16. Denies the allegations contained in paragraph 65 of the Verified Counterclaim.

17. Denies HANNAH's prayer for relief.

**FIRST AFFIRMATIVE DEFENSE**

18. The Verified Counterclaim fails to state a cause of action upon which relief can be granted against answering Plaintiff.

**SECOND AFFIRMATIVE DEFENSE**

19. If HANNAH suffered any loss or damage as referred to in the Verified Counterclaim, which is denied, such loss or damage was caused by or contributed to by HANNAH, and not by Plaintiff

**THIRD AFFIRMATIVE DEFENSE**

20. HANNAH has failed to properly and fully mitigate its damages.

WHEREFORE, PLAINTIFF HORNBECK OFFSHORE TRANSPORTATION, LLC prays:

- a. that HANNAH's prayer for relief be denied;
- b. that judgment be entered in favor of Plaintiff against HANNAH,


dismissing the Verified Counterclaim herein with costs and disbursements of this action;  
and

c. that judgment be entered in favor of Plaintiff for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
April 15, 2008

LYONS & FLOOD, LLP  
Attorneys for Plaintiff  
HORNBECK OFFSHORE TRANSPORTATION, LLC

By:

  
Edward P. Flood (EPF-5797)  
65 W. 36<sup>th</sup> Street, 7<sup>th</sup> Floor  
New York, NY 10018  
(212) 594-2400

TO: Michael Patrick Hartman  
KENNEDY LILLIS SCHMIDT ENGLISH  
75 Maiden Lane  
New York, NY 10038

James Saranteas  
BELGRADE AND O'DONNELL  
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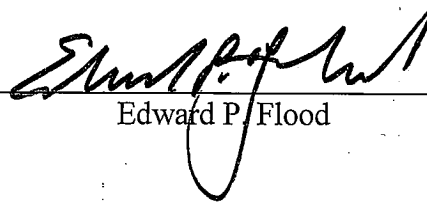
**VERIFICATION**

Edward P. Flood, the undersigned, an attorney admitted to practice in this Court, state that I am the attorney of record for Plaintiff HORNBECK OFFSHORE TRANSPORTATION, LLC in the within action; I have read the foregoing Verified Answer to Counterclaim and know the contents thereof; the same is true to my knowledge based on documents in my file, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

The reason this Verification is made by me and not an officer of Plaintiff HORNBECK OFFSHORE TRANSPORTATION, LLC is because there are no officers now present in this District.

I verify under penalty of perjury that the foregoing is true and correct.

Executed on: April 15, 2008



Edward P. Flood

**CERTIFICATE OF SERVICE**

Edward P. Flood, an attorney duly admitted to practice before this Honorable Court, affirms on this 15<sup>th</sup> day of April 2008, I served true copies of the foregoing, by U.S. Mail, first-class postage pre-paid to:

Michael Patrick Hartman  
KENNEDY LILLIS SCHMIDT ENGLISH  
75 Maiden Lane  
New York, NY 10038

James Saranteas  
BELGRADE AND O'DONNELL  
20 North Wacker Drive, Suite 1900  
Chicago, IL 60606

  
Edward P. Flood